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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILBUR PITTMAN,

11 Plaintiff,

No. CIV S-08-2937 DAD P

12 vs.

13 M. MARTEL,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983.

18 The federal venue statute requires that a civil action, other than one based on
19 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
20 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
21 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
22 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
23 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

24 In this case, the named defendant(s) are located and the claim allegedly arose in
25 Riverside County, which is located in the Central District of California. Therefore, plaintiff’s
26 complaint should have been filed in the United States District Court for the Central District of

1 California. In the interest of justice, a federal court may transfer a complaint filed in the wrong
2 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932
3 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
5 United States District Court for the Central District of California.

6 DATED: December 9, 2008.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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